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**TRANSMITTAL  
FORM**

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Total Number of Pages in This Submission

9

Application Number

10/720,821-Conf. #5355

Filing Date

November 24, 2003

First Named Inventor

Douglas B. WILSON

Art Unit

3682

Examiner Name

V. Luong

Attorney Docket Number

0114089.00120US2

**ENCLOSURES (Check all that apply)**☐ Fee Transmittal Form☐ Fee Attached☐ Amendment/Reply☐ After Final☐ Affidavits/declaration(s)☐ Extension of Time Request☐ Express Abandonment Request☐ Information Disclosure Statement☐ Certified Copy of Priority Document(s)☐ Reply to Missing Parts/  
Incomplete Application☐ Reply to Missing Parts under  
37 CFR 1.52 or 1.53☐ Drawing(s)☐ Licensing-related Papers☐ Petition☐ Petition to Convert to a  
Provisional Application☐ Power of Attorney, Revocation  
Change of Correspondence Address☐ Terminal Disclaimer☐ Request for Refund☐ CD, Number of CD(s) \_\_\_\_\_☐ Landscape Table on CD☐ After Allowance Communication  
to TC☐ Appeal Communication to Board of  
Appeals and Interferences☐ Appeal Communication to TC  
(Appeal Notice, Brief, Reply Brief)☐ Proprietary Information☐ Status Letter☒ Other Enclosure(s) (please  
Identify below):Response to Notification/Non-  
Compliant Appeal Brief in Related  
Application (2 pages)  
Substitute Pages 11-16 (6 pages)  
Return Receipt Postcard

Remarks

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm Name

WILMER CUTLER PICKERING HALE AND DORR LLP

Signature

Printed name

Wayne M. Kennard

Date

September 10, 2007

Reg. No.

30,271

Express Mail Label No. EM 100257335 US

Dated: September 10, 2007



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Douglas B. WILSON  
Application No.: 10/720,821 Art Unit: 3682  
Filed: November 24, 2003 Examiner: V. Luong  
Title: Fatigue Relieving Support for Steering Wheels and the Like

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**RESPONSE TO NOTIFICATION OF NONCOMPLIANT  
APPEAL BRIEF (37 C.F.R. 41.37) IN RELATED APPLICATION  
ON APPEAL: U.S. PATENT APPLN. SER. NO. 10/727,306**

Sir:

The present application is on appeal with related application U.S. Patent Appln. Ser. No. 10/727,306. The U.S. Patent and Trademark Office issued a Notification of Non-Compliant Appeal Brief on August 13, 2007 in the related application, Serial No. 10/727,306, on appeal based on claim 17 in Exhibit B to the Corrected Appeal Brief containing underlining to indicate what was added to that claim. The U.S. Patent and Trademark Office issued a Notification of Non-Compliant Appeal Brief based on the form of claim 17 in Exhibit B. However, Exhibit B was a copy of the Response filed by Appellant during prosecution that was cited as evidence in the Corrected Appeal Brief and not part of the main Brief.

It was determined by Mr. Patrick J. Nolan of the U.S. Patent and Trademark Office that the Notification of Non-Compliant Appeal Brief that was issued in Ser. No. 10/720,821 based on the form of claim 17 in Exhibit B was issued in error because the form of the claims on appeal in the main body of the Corrected Appeal Brief were properly presented. Appellant submitted a paper to that effect in Ser. No. 10/727,306.

A review of the Corrected Appeal Brief in the present application reveals that this Brief, like the Corrected Appeal Brief for Ser. No. 10/727,306, contains an exhibit, in the present application Exhibit A, that includes a claim, claim 20, that has underlining to show what has been added to the claim. Exhibit A to the Corrected Appeal Brief of the present application is a copy of Supplemental Response filed by Appellant during prosecution that is cited as evidence

in the Corrected Appeal Brief. The U.S. Patent and Trademark Office has not issued a Notification of Non-Compliant Appeal Brief in the present application based on the underlining in claim 20 in Exhibit A. However, to address the matter before such a Notification would issue in the present application, Appellant hereby submits this RESPONSE TO NOTIFICATION OF NON-COMPLIANT APPEAL BRIEF (37 C.F.R. 41.37) AND RELATED APPLICATION ON APPEAL U.S. PATENT APPLN. SER. NO. 10/727,306.

In related application Ser. No. 10/727,306, Mr. Nolan of the U.S. Patent and Trademark Office requested that in the Corrected Appeal Brief be changed so that each of the section titles **VIII. Claims Appendix, IX. Evidence Appendix, X. Related Proceedings Appendix** and **Conclusion** begin a new page. To accomplish this, he requested that Appellant submit substitute pages for the original affected pages of the Corrected Appeal Brief. This submission was made on even date.

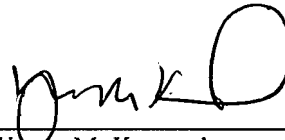
A review of the Corrected Appeal Brief in the present application reveals that this same change needs to be made to it. Accordingly, Appellant submits herewith substitute pages 11-15 (including the signature page) to replace original pages 11-13 in the Corrected Appeal Brief filed October 31, 2006. No other changes are being made to the Corrected Appeal Brief of the present application.

The undersigned respectfully requests that substitute pages 11-15 that are attached hereto be considered and replace original pages 11-13 of the Corrected Appeal Brief.

Please charge any fees that might be due in connection with this matter to Deposit Account No. 08-0219. Please contact the undersigned should there be any questions.

Respectfully submitted,

Dated: September 10, 2007



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is missing at least one element of claim 20 relating to deformation of the knobs out of interference with the operation of the steering wheel in the normal operation of the knobs.

As Appellant previously stated, claims 27 and 28/27 depend from claim 20. As such each of these claims have all of the features of claim 20. Therefore, claims 27 and 28/27 are not anticipated by Laubach for the same reasons as claim 20.

Section V above states what claims 27 and 28/27 add to the invention of claim 20. These separate combinations, namely 20/27 and 20/28, each provides bases for not being anticipated, which includes the reasons claim 20 is not anticipated by Laubach.

Noting the foregoing, Appellant has demonstrated clearly that claims 20, 27, and 28/27 are not anticipated by Laubach and respectfully request that this basis of rejection be reversed.

## **VIII. Claims Appendix**

Claims 1-19 (Cancelled)

20. (Previously Presented) A fatigue relieving/preventing apparatus associated with a steering wheel for controlling a vehicle comprising:

a first section that connects to a peripheral portion of the steering wheel; and

a second section that connects to, and extends from, the first section at the peripheral portion of the steering wheel, the second section extends from the first section outward at an angle to a plane across a face to the steering wheel, the second section for supporting at least a portion of a vehicular operator's body when pressure from the portion of the vehicular operator's body on the second section is less than the pressure for deforming the second section out of interference with the vehicular operator's ability to operate the steering wheel, and deforming out of interference with the vehicular operator's ability to operate the steering wheel when pressure from the portion of the vehicular operator's body on the second section is equal to or greater than the pressure for deforming the second section out of interference with the vehicular operator's ability to operate the steering wheel.

21. (Original) The apparatus as recited in claim 20, wherein the second section is deformable in at least one direction when deforming pressure is applied to such second section.

22. (Original) The apparatus as recited in claim 20, wherein the second section supports a portion of the vehicular operator's body when pressure from such body portion is applied in at least one direction.

23. (Original) The apparatus as recited in claim 20, wherein the steering wheel includes a steering wheel for controlling at least a nautical vessel, an aircraft, or a ground transportation vehicle.

24. (Original) The apparatus as recited in claim 20, wherein the second section will return to an original first position after deforming pressure is removed therefrom.

25. (Original) The apparatus as recited in claim 20, wherein the portion of the body supported by the second section includes at least a forearm, wrist, or hand.

26. (Original) The apparatus as recited in claim 20, wherein the first section extends a length of a predetermined peripheral portion of the steering wheel.

27. (Original) The apparatus as recited in claim 20, wherein the second section includes at least two second sections that each connect to the first section at separate locations.

28. (Original) The apparatus as recited in claim 20 or 27, wherein the first section is deformable.

**IX. Evidence Appendix**

Attachment A is a copy of Appellant's December 2, 2005, Supplemental Response;

Attachment B is a copy of the January 13, 2006, Office Action;

Attachment C is a copy of Appellant's April 4, 2006, Response; and

Attachment D is a copy of the May 9, 2006 Office Action.

**X. Related Proceedings Appendix**  
**None**

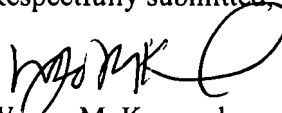


**CONCLUSION**

In the foregoing, Appellant has clearly traversed each of the Examiner's bases for rejecting amended claims 20-28 under 35 U.S.C. §102 for allegedly being anticipated by Van Arsdell, Anson, and Laubach. Accordingly Appellant requests that the Board reverse these outstanding rejections and remand the application to Examiner and direct that the application be sent to issue.

No fees are believed due; however, please charge any additional fees due or overpayments to Deposit Account No. 08-0219.

Respectfully submitted,



Wayne M. Kennard  
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Dated: October 31, 2006

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